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6 IN THE UNITED STATES DISTRICT COURT

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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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RAHINAH IBRAHIM,

No. C 06-00545 WHA

Plaintiff,

v.

ORDER CHANGING SCHEDULE

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DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

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A prior order (Dkt. No. 437) modified the briefing schedule on the parties' discovery disputes. Based on the Court's preliminary review of the government's *ex parte, in camera* submissions, that order will be further modified to the extent below.

The government has lodged a set of materials with its opposition to plaintiff's motion to compel that pertain to its assertion of privileges over classified documents. Not all of the documents and others materials in that submission are themselves classified. The government shall serve the non-classified portions, including all paragraphs marked with a "U," on plaintiff's counsel by **MARCH 21 AT NOON**. The government may serve these documents on an attorney's eyes only basis under the operative protective order and shall file them under seal with the Court.

Plaintiff shall respond to the government's arguments regarding the classified documents in a brief not to exceed 10 pages by **MARCH 28 AT NOON**. The government may then file a final reply submission on these issues in a brief not to exceed 5 pages by **APRIL 4 AT NOON**.

1 Any non-classified portions of the parties' submissions shall be filed under seal;
2 classified portions of the government's reply submission may be lodged with the Court for *ex*
3 *parte, in camera* review. The Court appoints Mr. W. Scooter Slade, U.S. Department of Justice,
4 Security and Emergency Planning Staff, Litigation Security Group, as its security officer for the
5 purposes of protecting and safeguarding classified national security information (pursuant to
6 Executive Order 13526) submitted to the Court in this case. All *classified* information lodged by
7 the government shall be done so under seal through the security officer or his designee, and need
8 not be accompanied by a separate motion to seal. The date and time of physical submission to
9 the security officer or his designee shall be considered the date and time of filing. At the time of
10 physical submission to the security officer or his designee, the government shall file in the
11 CM/ECF system a notice of lodging/filing, which will serve to notify the Court. The security
12 officer shall maintain a separate sealed record for those submissions containing classified
13 materials, and retain such record for purposes of later proceedings or appeal. Filing deadlines
14 shall be computed based on the Court's time zone.

15 Among other issues, the parties' briefs should address: (1) the scope of the government's
16 formal assertion of privileges regarding the classified submissions, including whether the
17 government may affirmatively rely on such materials in addition to shielding them from
18 disclosure; (2) whether letters sent to or from plaintiff herself can properly be withheld as
19 classified and/or privileged documents.

20 The prior briefing schedule on the *non-classified* documents remains unchanged. The
21 hearing on all issues related to the motion to compel shall be **RESCHEDULED to APRIL 18 AT**
22 **8:00 A.M.**

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25 **IT IS SO ORDERED.**

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27 Dated: March 20, 2013.

28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE